

## **Proposed Amended Resolution – Woodbury Apartments Planned Project Site Plan**

Whereas, BRE Nixon Road Associates, LLC, has requested planned project site plan approval in order to develop ~~282-2776~~ apartment units, a club house, and ~~564-554~~ surface parking spaces;

Whereas, A development agreement has been prepared to address footing drain disconnects, park dedication, and improvements to the Nixon/Dhu Varren Green intersection;

Whereas, The Planned Project modification would allow buildings to exceed the 35 foot maximum height limitation to provide buildings with a maximum of 39.29 feet in height, which allows for clustering of the buildings and retaining a minimum of 86.2% of the site remain in the form of open space;

Whereas, The development will remove ~~2,550,770~~ square feet of wetland and install 6,729 square feet of replacement wetland on-site, for which the developer has received a wetland permit from the State of Michigan;

Whereas, The Ann Arbor City Planning Commission, on ~~October 21, 2014~~ July 12, 2016, recommended approval of the petition;

Whereas, The development would comply with the R4A zoning established pursuant to the requirements of Chapter 55, and with all applicable local, state, or federal laws, ordinances, standards and regulations;

Whereas, The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a natural features statement of impact set forth in Chapter 57; and

Whereas, The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety and welfare;

RESOLVED, That City Council approve the Development Agreement, substantially in the form of that attached, dated ~~January 14, 2016~~ April 28, 2016;

RESOLVED, That the Mayor and City Clerk are authorized and directed to sign the Development Agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney;

RESOLVED, That City Council approve the wetland use permit, which will allow the removal of ~~2,550,770~~ square feet of wetland and installation of 6,729 square feet of replacement wetland on-site;

RESOLVED, That City Council approve the Planned Project modification to allow

buildings to exceed the 35 foot maximum height limitation to provide buildings of 39.29 feet in height, which will allow a clustering of the building and a minimum of 86.2% of the site in the form of open space; and

RESOLVED, That City Council approve the Woodbury Club Planned Project Site Plan, upon the condition that 1) the Development Agreement is signed by all parties after adding the requirement of the sale of the eastern parcel to the City as a term of the Agreement; 2) all terms of the Development Agreement are satisfied; 3) 86.2% of the site remain in the form of open space; 4) the two parcels are combined or the eastern parcel is acquired by the City as parkland prior to the issuance of building permits consistent with the terms of the negotiated Purchase Agreement between the Developer, BRE Nixon Road Associates, LLC, and the City; and 5) the Washtenaw County Road Commission transfers jurisdiction of the adjacent Nixon Road right-of-way to the City or issues necessary permits for work in the Nixon Road right-of-way, prior to the issuance of building permits.